

**Affidavit of Publication**

State of New Mexico  
County of Rio Arriba

I, Robert Trapp, being first duly sworn, declare and say I am the Publisher of the **Rio Grande SUN**, a weekly newspaper published in the English language and having a general circulation in the County of Rio Arriba, State of New Mexico, and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 of the Session Laws of 1937. The publication, a copy of which is hereto attached, was published in said paper once each week for 4 consecutive weeks and on the same day of each week in the regular issue of the paper during the time of publication and the notice was published in the newspaper proper, and not in any supplement. The first publication being on the

**Publisher's Bill**

6 day of June, 2013

798 lines one time at \$558.60

and the last publication on the 27 day of

June, 2013. Payment for said advertisement has been duly made, or assessed as court costs. The undersigned has personal knowledge of the matters and things set forth in this affidavit.

798 lines 3 times at \$1436.40

Affidavit \$5.00

Robert Trapp Publisher

Subtotal \$2000.00

Tax \$163.74

Subscribed and sworn to before me this 27<sup>th</sup> day of JUNE A.D. 2013

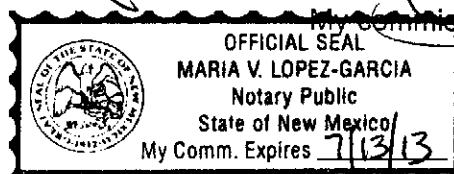
Total \$2163.74

Payment received at **Rio Grande SUN**

Date June 3, 2013

By Valerio Ortega

Maria V. Lopez Garcia  
Maria V. Lopez Garcia /Notary Public  
My Commission expires 13 July 2013



IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO STATE OF NEW MEXICO, EX REL. STATE ENGINEER PLAINTIFF, VS.

ROMAN ARAGON ET AL.

DEFENDANTS 69CV07941-MV-LFG SECTION 7,

VILLAGE OF CHAMA PUBLIC NOTICE AND ORDER TO SHOW CAUSE

TO ALL CLAIMANTS, OWN AND UNKNOWN, WHO CLAIM A RIGHT TO USE THE SURFACE OR UNDERGROUND WATERS OF THE VILLAGE OF CHAMA SUBSECTION OF SECTION 7 OF THE RIO CHAMA STREAM SYSTEM.

AND TO ALL OF THE FOLLOWING WHO CLAIM A RIGHT TO USE THE SURFACE OR UNDERGROUND WATER IN THE VILLAGE OF CHAMA SUBSECTION OF SECTION 7 OF THE RIO CHAMA STREAM SYSTEM FOR IRRIGATION PURPOSES AND WHOSE NAMES APPEAR BELOW:

**CHAMA TOWN DITCH** PRIORITY 1899

**Defendants:** Vera, Deborah I. Allison, chioceose of Santa Fe, zabeth G. Atencio, hn D. Beaver, Susan Beaver, Benjamin F. anch, John Bush, rleen Bush, Esther iyapp, Frances S. iyapp, Larry Deyapp, rry H. Deyapp Jr., bert M. Deyapp, Trina Deyapp, Robert E. an, Angela R. Emery, tate of Juan Gonzales, thleen M. Fischer, Le- J. Foerster, Aurelia llogos, Cristella M. llogos, Jose R. Galle-

gos, Martin A. Gallegos, Nickie Gallegos, Gallegos Family Trust, Carmen Gonzales, Florian Gonzales Jr., Susan M. Hammer, Fay L. Harris, John P. Harris, Arletta M. Hogan, Angela Hughes, Clifton M. Hughes, Mil-dred Hughes, Rebecca Hurd, Robert Hurd, Bon-sall D. Johnson, Nathan G. Johnson, Wenda L. Johnson, Luis Lopez, Celia O. Lucero, Jose Salomon Lucero, Cecilia O. Martinez, Diego R. Martinez, Estate of Rose Q. Martinez, Gerald G. Martinez, Higinio Marti-nez Jr., Tina D. Martinez, Brian T. Mello, Vicenta Neher, Lorraine T. Pa-checo, Ruben Pacheco, Mary Phipps, Warren Phipps, Alex Rivas, An-gelo E. Rivas, Anthony Rivas, Conrad L. Rivas, Maximiliano Rivas, Nata-sha Mattie Crusita Rivas, Presley D. Rivas, Mi-chael D. Roberson, Da-vid Joe Sandoval Sr., Levi A. Sandoval, Rufina Gonzales Sandoval, Jo Myrle Smith, Perry D. Smith, Floyd E. Smith & Edna E. Smith, Revoca-ble Trust, Emma Torrez, Joseph Vicente Torrez III, Daphne Kim Tribble, Delfino J. Trujillo, Josefa Trujillo, Marcela Trujillo, Patricia C. Trujillo, Mar-garet Valdez, Tommy F. Valdez Jr., Ramon Vigil, Vigil Family Trust, Robert G. Wells, Deborah H. Williams, Andrea Wool-ridge, Kevin Woolridge

**CHAMA TOWN DITCH** (OSE NO. 967) PRIORITY

February 19, 1915

**Defendants:** Orlando C. Beasley

**CHAMA VALLEY DITCH** PRIORITY 1893

**Defendants:** Donald L. Gallegos Sr., Mary J. Gallegos, Leonard Jen-sen, Marilyn Jensen, Anne Marie Koontz, John Courtney Koontz, James W. Mundy, Susan J. Mundy, Joseph J. Piuma, Cumbres & Toltec Scenic Railroad Commission, Swag Corporation, Friends of the Cumbres & Toltec Scenic RR, Inc., Debra K. Zimbelman

**CHAMA VALLEY DITCH NO. 1** PRIORITY 1890

**Defendants:** Oso Ranch and Lodge, LLC, Alfred Unser.

**CHAMA VALLEY DITCH NO. 3** PRIORITY 1890

**Defendants:** Jicarilla Apache Nation.

**TUCK CREEK DIVERSION NO. 1** PRIORITY 1890

nez, Renee Martinez, James W. McElhaney, Maxine McElhaney, Julia A. Meston, Russell D. Meston, Michael Monta-zo, Peggy MontaZo, Steve MontaZo, Steven MontaZo, June J. Over-ley Living Trust, Randy Pettingill, Trust, Johnny Rael, Michael J. Roundy, Dan Russom, Mary Rus-som, Jose G. Salazar, Mary Salazar, Victoria L. Skron Dahl, Yvonne Tor-rez, Pedro & Rose Tor-rez Trust, Angie Valdez, Don Valdez, Estate of Carlotta Valdez, Estate of Maximilo Valdez, Vigil Family Trust, Susan L. Windeck

**TRANSFERRED RIGHTS**

(The information below will be in the order of: Move-to Location, De-fendants, OSE PERMIT, PRIORITY)

CHCV-001-0003, Mary Jean Miller, No. 1545 & 1699 into 1974-E, De-cember 4, 1922;

CHCV-001-0004, Jessie Fisher, No. 1545 & 1699 into 1974-E-A, Decem-ber 4, 1922;

CHCV-001-0005, Chama Valley Independent, School District No. 19, No. 1545 & 1699 into 1974-F, December 4, 1922;

CHCV-003-0001, Porter Family Trust, No. 1974-B (3), November 27, 1931;

CHCV-003-0002(B), Dustin Boyd, No. 1974-B & 1974-B (2), November 27, 1931;

CHCV-006-0001, Donald M. Graham, Janice Gra-ham, No. 1545 into 1242 & 01792, December 4, 1922;

CHCV-006-0002, Sky Mountain Resort RV Park, LLC, No. 1545 into 1242 & 01792, Decem-

ber 4, 1922;

Water rights on lands irri-gated by the Jicarilla Apache Nation under an approved permit for the transfer of water rights issued by the Office of the State Engineer, or for water rights on lands irri-gated from a pre-basin groundwater well located on the Jicarilla Apache Reservation and used for irrigation purposes, as described below:

(The information below will be in the order of: Subfile, No. Acres Ditch and/ or Well(s), Priority Date)

CHCV-001-0006, 92.5, Mound Well & Willow Creek Well, March 24, 1964;

CHCV-001-0006, 181.8, Little Willow Creek North Ditch, December 4, 1922;

CHCV-001-0006, 181.8, Mound Well & Willow Creek Well, March 24, 1964;

CHCV-001-0006, 23.2, Little Willow Creek & North Ditch, February 2, 1926;

CHCV-001-0006, 23.2, Mound Well & Willow Creek Well, March 24, 1964;

CHCV-005-0005, 9.0, Little Willow Creek & South Ditch, August 1, 1902;

CHCV-005-0005, 88.15, Vaughn Well No. 1, Au-gust 14, 1963;

CHCV-006-0006, 50.75, Vaughn Well No. 1, Au-gust 14, 1963;

CHCV-006-0006, 5.10, Iron Spring Well, April 25, 1964;

CHCV-006-0006, 24.2, Vaughn Well No. 1 & Iron Spring Well, August 14, 1963;

CHCV-008-0001, 8.4, Bear Canyon Well, May 1, 1964;

CHCV-008-0001, 160.6, Iron Spring Well & Bear Canyon Well, April 25, 1964;

CHCV-009-0001, 88.26,

Well RG-19060, Febru-ary 17, 1970;

You are hereby notified that the Court has en-tered an order requiring you to file an objection with the Court if you dis-agree with the State's proposed determination of the priority date of your water rights, or the proposed priority date of the water rights for any other defendant using surface or underground water for irrigation pur-poses in Village of Cha-ma Subsection of Sec-tion 7 of the Rio Chama Stream System ("Chama Village Subsection"). The priority dates descri-bed above will apply to all individual irrigation water rights associated with the ditches, wells, permits or licenses is-sued by the Office of the State Engineer as descri-bed above, unless you or other persons file objec-tions. The priority dates herein will also apply to a spring that serves as a source of water for irri-gation purposes, and which is described in individual subfile orders filed with the Court.

In addition, you are here-by notified that the Court has entered an order re-quiring you to file an ob-jection with the Court if you disagree with the State's proposed deter-mination of the irrigation water requirements for surface water irrigation use in the Chama Village Subsection for lands irri-gated under pre-1907 ditches as described be-low:

a. The weighted con-sumptive irrigation re-quirement (CIR) is 1.05 acre-feet per acre per annum.  
b. The farm delivery re-quirement (FDR) is 2.63 acre-feet per acre per annum.  
c. The project diversion

requirement (PDR) is 4.38 acre-feet per acre per annum.

The water rights which the above amounts apply are those irrigated by the Chama Town Ditch, Cha-ma Valley Ditch, Chama Valley Ditch No. 1, Cha-ma Valley Ditch No. 3 Tuck Creek Diversion No. 1 and Unnamed Ditch No. 4, with the ex-ception of any lands irri-gated under a permit or license from the State Engineer as described below.

You are hereby notified that you are required to file an objection with the Court if you disagree with the State's proposed determination of the irri-gation water require-ments for irrigation use on lands in the Chama Village Subsection that are irrigated under a final license issued by the Of-fice of the State Engi-neer, or under an ap-proved permit for the transfer of irrigation wa-ter rights, as described below:

**CHCV-001-0002:** OSE License No. 967

a. CIR = 1.05 ac-ft/ac/an.

b. FDR = 2.0 ac-ft/ac/an.

c. PDR = 3.33 ac-ft/ac/an.

**Chamita Valley Ditch:** OSE License No. 968

a. CIR = 1.05 ac-ft/ac/an.

b. FDR = 2.0 ac-ft/ac/an.

c. PDR = 3.33 ac-ft/ac/an.

**Valley Ditch:** OSE Li-cense No. 1242

a. CIR = 1.05 ac-ft/ac/an.

b. FDR = 1.5 ac-ft/ac/an.

c. PDR = 2.5 ac-ft/ac/an.

The above irrigation wa-ter requirements will ap-apply to all lands irrigated by the Valley Ditch under OSE License No. 1242 (including lands transfer-red to the Valley Ditch under OSE No. 1545 into 1242 & 01792) with the

Payment received

Date June

By Valo

Subscribed  
day of 74

74

*Maria V. Lopez Garcia*  
Maria V. Lopez Garcia /Notary Public  
My Commission expires 13 July 2013  
OFFICIAL SEAL  
MARIA V. LOPEZ-GARCIA  
Notary Public  
State of New Mexico  
My Comm. Expires 7/13/13

Date Jul

By Val

Swag Corporation,  
Friends of the Cumbres  
& Toiyah Scenic RR, Inc.,  
Debra K. Zimbelman  
**CHAMA VALLEY  
DITCH NO. 1  
PRIORITY 1890**  
**Defendants:** Oso  
Ranch and Lodge, LLC,  
Alfred Unser.

**CHAMA VALLEY  
DITCH NO. 3  
PRIORITY 1890**  
**Defendants:** Jicarilla  
Apache Nation.

**TUCK CREEK  
DIVERSION NO. 1  
PRIORITY 1900**  
**Defendants:** Quinlan  
Ranches of NM LLC

**UNNAMED DITCH  
NO. 4  
PRIORITY 1890**

**Defendants:** Chama  
Troutstalkers, LLC

**CHAMITA VALLEY  
DITCH (OSE No. 968)  
PRIORITY**

**February 19, 1915**  
**Defendants:** William H.  
Albert, Chama Invest-  
ments, Co., Chama  
Troutstalkers, LLC,  
Northern Rio Arriba Elec-  
tric Co-Op, Victoria B.  
Gonzales, Dr. Pat Hale

**VALLEY DITCH  
(OSE No. 1242)  
PRIORITY**

**September 27, 1918**  
**Defendants:** Chama  
Troutstalkers, LLC

**RANCH 101 DITCH  
(OSE No. 1241)**

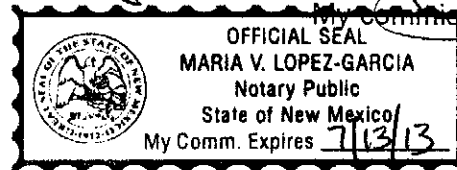
**PRIORITY**  
**June 7, 1918**

**Defendants:** Jicarilla  
Apache Nation, Law-  
rence Family, LLC, Patri-  
cia Serna, Richard M.  
Serna, Daniel D.  
Shoats, Ellen J. Shoats,  
Tuoraey, LLC, Alfred Un-  
ser, Kevin Yearout, Lian  
Yearout

**M-B DITCH  
(OSE No. 1974)  
PRIORITY**

**November 27, 1931**

**Defendants:** Boyd Fam-  
ily Revocable Trust, Cel-  
ine M. Brown, Orrin G.  
Brown, Herman Cande-  
laria, Andrew Conder Jr.,  
Cheryl Conder, Kenneth  
Conder, Peter J. Conder,  
Marvin R. Crane, Sandra  
A. Crane, Jeff M. Dag-  
gett, Maxine F. Daggett,  
Estate of Juan Gonzales,  
Russell Fink, Matthew M.  
Gallegos, Robert Galle-  
gos Jr., Lydia J. Garcia,  
Napoleon R. Garcia,  
Carmen Gonzales, Flo-  
rian Gonzales Jr., Juani-  
ta Gonzales, Rosalie  
Ann Gonzales, Elizabeth  
Ann Harris, Floyd Harris,  
Charles C. Hobbs, An-  
drew Hurd, Daniel Hurd,  
Puanani Kauaihilo, Rob-  
ert R. Kissam, Melvin E.  
Kurth Jr., Los Campos  
de Chama, LLC, Betty M.  
Martin, Maria A. Marti-



Maria V. Lopez Garcia /Notary Public

My Commission expires 13 July 2013

exception of the 73.9 acres of land described below.

Valley Ditch: OSE License No. 1242

73.9 acres of land in Subfile CHCV-006-0005:  
a. CIR = 1.0 ac-ft/ac/an.  
b. FDR = 1.0 ac-ft/ac/an.  
c. PDR = 1.67 ac-ft/ac/an.

A copy of a map prepared by the Office of the State Engineer showing the location of the 73.9 acres of lands described above is available for inspection at the Office of the State Engineer in Santa Fe.

Ranch 101 Ditch: OSE License No. 1241

a. CIR = 1.05 ac-ft/ac/an.  
b. FDR = 1.5 ac-ft/ac/an.  
c. PDR = 2.5 ac-ft/ac/an.  
M-B Ditch: OSE License No. 1974

a. CIR = 1.05 ac-ft/ac/an.  
b. FDR = 1.5 ac-ft/ac/an.  
c. PDR = 2.5 ac-ft/ac/an.  
The above irrigation water requirements will apply to all lands irrigated by the M-B Ditch under OSE License No. 1974 with the exception of the lands in the locations described below.

M-B Ditch: OSE License No. 1974

3.4 acres of land in Subfile CHCV-003-0003  
0.1 acres of land in Subfile CHCV-003-0004  
63.4 acres of land in Subfile CHCV-003-0024  
0.2 acres of land in Subfile CHCV-003-0025  
0.2 acres of land in Subfile CHCV-003-0026  
3.2 acres of land in Subfile CHCV-004-0002

a. CIR = 1.0 ac-ft/ac/an.  
b. FDR = 1.0 ac-ft/ac/an.  
c. PDR = 1.67 ac-ft/ac/an.

A copy of a map prepared by the Office of the State Engineer showing the location of the lands described above is available for inspection at the Office of the State Engineer in Santa Fe.

# **TRANSFERRED RIGHTS**

(The information below will be in the order of: Move-to Location, OSE PERMIT, AMOUNT OF WATER)

CHCV-001-0003, No. 1545 & 1699 into 1974-E, CIR = 1.05 ac-ft/ac/an, FDR = 1.5 ac-ft/ac/an, PDR = 2.5 ac-ft/ac/an;

CHCV-001-0004, No. 1545 & 1699 into 1974-E-A, CIR = 1.05 ac-ft/ac/an, FDR = 1.5 ac-ft/ac/an, PDR = 2.5 ac-ft/ac/an;

CHCV-001-0005, No. 1545 & 1699 into 1974-F, CIR = 1.05 ac-ft/ac/an, FDR = 1.5 ac-ft/ac/an, PDR = 2.5 ac-ft/ac/an;

CHCV-003-0001, No. 1974-B (3), CIR = 1.05 ac-ft/ac/an, FDR = 1.5 ac-ft/ac/an, PDR = 2.5 ac-ft/ac/an;

CHCV-003-0002(B), No. 1974-B & 1974-B (2), CIR = 1.05 ac-ft/ac/an, FDR = 1.5 ac-ft/ac/an, PDR = 2.5 ac-ft/ac/an;

CHCV-006-0001, No. 1545 into 1242 & 01792, CIR = 1.05 ac-ft/ac/an, FDR = 1.5 ac-ft/ac/an, PDR = 2.5 ac-ft/ac/an;

CHCV-006-0002, No. 1545 into 1242 & 01792, CIR = 1.05 ac-ft/ac/an, FDR = 1.5 ac-ft/ac/an, PDR = 2.5 ac-ft/ac/an;

permit for the transfer of water rights issued by the Office of the State Engineer, or irrigation water use on lands irrigated from pre-basin groundwater wells located on the Jicarilla Apache Reservation and used for irrigation purposes, as described below:

(The information will be in the order of: Subfile No., CIR, FDR, PDR)  
CHCV-001-0006, Groundwater, 1.05 ac-ft/ac/an, 2.63 ac-ft/ac/an\*, not applicable;  
CHCV-001-0006, Sur-

face water, 1.05 ac-ft/ac/an, 1.5 ac-ft/ac/an, 2.5 ac-ft/ac/an;  
CHCV-005-0005, Groundwater, 1.05 ac-ft/ac/an, 2.63 ac-ft/ac/an\*, not applicable;  
CHCV-005-0005, Surface water, 1.05 ac-ft/ac/an, 1.5 ac-ft/ac/an, 2.5 ac-ft/ac/an;  
CHCV-006-0006, Groundwater, 1.05 ac-ft/ac/an, 2.63 ac-ft/ac/an\*, not applicable;  
CHCV-008-0001, Groundwater, 1.05 ac-ft/ac/an, 2.63 ac-ft/ac/an\*, not applicable;  
\* measured at the well  
The term "Consumptive Irrigation Requirement" ("CIR") refers to the quantity of water, expressed in acre-feet per acre per year, exclusive of effective precipitation, that is consumptively used by plants or is evaporated from the soil surface during one calendar year. The term "Farm Delivery Requirement" ("FDR") refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops grown on a farm in one calendar year. The "Project Diversion Requirement" ("PDR") or off-farm diversion requirement is defined as the quantity of water, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year. The irrigation water

requirements set forth above do not include diversion requirements associated with stockponds or other impoundments determined to have valid water rights in these proceedings.

If you agree with the priority dates and irrigation water requirements described above, you do not need to take any action. If any objections are filed by any persons you may participate in the proceedings to resolve those objections. If no objections are filed, the Court will enter an order that recognizes the elements of the water rights for irrigation use in the Chama Village Subsection as described above. If you disagree, you must follow the instructions below.

This will be your only opportunity in these proceedings to object to the determination of priority dates or irrigation water requirements in the Chama Village Subsection. Subsequent inter se proceedings in the Chama Village Subsection will not include the opportunity to object to those determinations.

In cases where defendants in the Chama Village Subsection have previously agreed with the State on the priority dates for their water rights or the irrigation water requirements for their water rights, and those priority dates or irrigation water requirements have been incorporated into subfile orders entered by the Court, those priority dates or irrigation water requirements cannot be challenged by those defendants. Other persons with standing may however file objections.

IT IS THEREFORE ORDERED THAT if you object to any of the priority

dates stated above, or to the irrigation water requirements in the Chama Village Subsection as stated above, you must file your objection with the Court, in person or by mail, FOR RECEIPT NO LATER THAN AUGUST 1, 2013:

United States  
District Court Clerk  
333 Lomas Blvd. NW,  
Suite 270

Albuquerque, NM 87102  
If you timely file an objection the Court will notify you of a mandatory scheduling and pretrial conference, where you will learn how objections will be heard. This will be your only opportunity to object to these elements of your water rights or any other water rights. If you fail to timely object and attend the scheduling and pretrial conference you may not raise objections in the future.

If you have any questions, call or write:  
Edward G. Newville  
Special Assistant  
Attorney General  
Office of State Engineer  
P.O. Box 25102  
Santa Fe, NM  
87504-5102  
(505) 867-7444 phone  
(505) 867-2299  
facsimile

or,  
John W. Utton  
Attorney for Asociacion de Acequias NorteZas de Rio Arriba  
Sheehan & Sheehan,  
P.A.

P.O. Box 271  
Albuquerque, NM  
87103-0271  
(505) 699-1445  
telephone  
(505) 842-8890 facsimile  
IT IS SO ORDERED.  
/s/ Lorenzo F. Garcia  
LORENZO F. GARCIA  
UNITED STATES  
MAGISTRATE JUDGE  
(Published June 6, 13,  
20 & 27, 2013)